

No. 23

5th Session, 14th Legislature, Alberta
11 Elizabeth II

BILL 23

A Bill to amend The Public Utilities Board Act

HON. MR. HOOKE

Explanatory Note

2. Section 12 of the Act is amended to bring the appointment of employees of the Board under The Public Service Act, 1962. Under the present section they are appointed by the Board, with the approval of the Lieutenant Governor in Council. Clause 2 also repeals section 3, subsection (2), clause (a) of The Public Service Act, 1962, which specifically exempts employees of the Board from the application of that Act.

3. Section 14 is amended to conform with the change made in section 12. Section 14 reads in part:

“14. Subject to the approval of the Lieutenant Governor in Council, the Board shall appoint a secretary who shall . . .”.

4. Section 69, subsection (2) reads:

“(2) A regulation prescribing rules of practice under section 40 and a regulation under Division 5 of Part II come into force upon publication in the Gazette or on such later date as may be specified therefor by the Board, and not upon the date of filing under The Regulations Act.”.

The provision is repealed as it serves no useful purpose.

5. The sections added here are a re-enactment of the present sections 186, 187, 187a and 188. No change is made in the law; the sections are merely being moved to a more appropriate place in the Act under the heading “Municipally Owned Utilities”.

BILL

No. 23 of 1963

An Act to amend The Public Utilities Board Act

(Assented to _____, 1963)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Public Utilities Board Act*, being chapter 85 of the Statutes of Alberta, 1960, is hereby amended.

2. (1) Section 12 is struck out and the following section is substituted:

12. Pursuant to *The Public Service Act, 1962*, there may be appointed a secretary and such engineers, accountants, legal counsel and technical and professional persons and such other officers, clerks or employees as may be required by the Board.

(2) *The Public Service Act, 1962*, being chapter 72 of the Statutes of Alberta, 1962, is amended as to section 3, subsection (2) by striking out clause (a).

3. Section 14 is amended by striking out all the words preceding clause (a) and by substituting the words "The secretary shall".

4. Section 69 is amended by striking out subsection (2).

5. The following sections are added immediately after section 102:

102a. Section 102b applies to such areas of the Province as may be defined and described by an order of the Board made upon the recommendation of the Provincial Planning Advisory Board.

102b. (1) In this section,

- (a) "proprietor municipality" means a municipality that owns, operates, manages or controls a public utility;
- (b) "public utility" includes, in addition to its defined meaning under section 2, a sewerage system.

(2) Upon application by a municipality or, in the case of an improvement district, the Minister, the Board may by order require the proprietor municipality

- (a) to deliver, supply and furnish water, light or power, as the case may be, at a place to be designated by the Board and to do so on such terms and conditions as to the Board seem proper, and
- (b) to make available, on such terms and conditions as to the Board seem proper, to the municipality or improvement district making the application or on whose behalf the application was made, the sewage disposal facilities of a proprietor municipality.

(3) Subject to subsection (5), Part II applies, *mutatis mutandis*, to a public utility within any area to which this section applies and in respect of any public utility of a proprietor municipality as though a by-law had been passed and approved by the Lieutenant Governor in Council under section 102 bringing its public utility under this Act.

(4) This Division shall not be construed so as to derogate from the powers vested in the provincial board of health under *The Public Health Act*.

(5) This section does not apply to the operation and management of a public utility of a proprietor municipality in so far as they relate to the affairs and business of the public utility within the corporate limits from time to time of the proprietor municipality.

102c. (1) Where an application under section 102b is made by a municipality because the water supply most suitable or most economically available to the municipality is unfit for the usual municipal purposes as a result of pollution that appears to be caused by any other municipality or person, the Board may make such other municipality and person, or any of them, a party to the proceedings.

(2) Where the Board finds that any municipality or person is wholly or partly responsible for the pollution of such water supply, it may, when requiring the proprietor municipality to deliver, supply and furnish water to the applying municipality pursuant to section 102b,

- (a) direct and authorize the proprietor municipality, or any other municipality, to construct and maintain a pipe line and such other works as may be necessary for the delivery of the water to the applying municipality,
- (b) order any municipality or person found wholly or partly responsible for the pollution of such water supply to bear such portion of the cost of building and maintaining the water delivery system as the Board considers equitable, and
- (c) fix the rates that may be charged by the proprietor municipality to the applying municipality for the water to be supplied.

6. Section 106, subsection (2) presently reads:

"(2) In approving or establishing schedules of minimum rates for the supplying of milk or cream, the Board is not bound by any rule or law or of public utility practice to see that any rate of return is provided on any plant, equipment or investment in excess of the actual value thereof."

7. Section 115 presently reads:

"115. Every order made by the Board under this Part shall be served upon the person affected thereby or his duly authorized agent or solicitor, within ten days from the time the order is signed, or within such longer time as the Board may direct."

The section is amended to clarify the manner in which service is to be effected.

8. Section 138, subsection (1) presently reads:

"138. (1) If satisfied of the propriety of such a course, the Board may do any or all of the following:

(l) prescribe and regulate the rates, rents, charges or fees to be charged, levied or collected for the services of municipal public works;

(m) prescribe the fees to be charged for licences."

The matters set out in these clauses are now dealt with by the Local Authorities Board. The other clauses in the subsection were previously repealed.

9. See note to clause 5 of this Bill.

(3) The Board may, from time to time, review and alter any order made under this section and may amend the order to include any further municipalities or persons found to be partly responsible for the pollution.

102d. No order made under this Division affects or abrogates any existing contract or any existing right, of or held by, any company for the production, transmission, delivery or furnishing of water, gas, heat, light or power to or for inhabitants of businesses in the annexed or excluded territories, as the case may be.

6. Section 106, subsection (2) is amended by striking out the words "in excess of the actual value thereof".

7. Section 115 is amended by adding immediately after the words "shall be served" the words "in the manner set out in section 44".

8. Section 138 is amended by striking out subsection (1).

9. Sections 186, 187, 187*a* and 188 are repealed.

10. This Act comes into force on the first day of June, 1963.

No. 23

FIFTH SESSION

FOURTEENTH LEGISLATURE

11 ELIZABETH II

1963

BILL

An Act to amend The Public
Utilities Board Act

Received and read the

First time

Second time

Third time

HON. MR. HOOKE
